

STATE OCCUPATIONAL THERAPY LICENSURE BOARD

Bureau of Occupational Licenses

700 West State Street, P.O. Box 83720

Boise, ID 83720-0063

Board Meeting Minutes of 6/22/2018

BOARD MEMBERS PRESENT: Kristin Guidry - Chair
Cherie Strand
Jori A Bathina
Brenda P Krueger
Farrell Lindley-Kessler

BUREAU STAFF: Tana Cory, Bureau Chief
Lori Peel, Investigative Unit Manager
Roger Hales, Legal Counsel
Joan Callahan, Legal Counsel
Debbie Toncray, Technical Records Specialist II

OTHERS PRESENT: Mel Henderson, President, Idaho Occupational
Therapy Association (IOTA)
Erika Neff, Treasurer, IOTA
Kari Thompson, President Elect, IOTA

The meeting was called to order at 8:00 AM MDT by Kristin Guidry.

APPROVAL OF MINUTES

Ms. Lindley-Kessler made a motion to approve the minutes of 5/21/2018. It was seconded by Ms. Strand. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit legislative ideas to the Governor's Office is July 13, 2018 and the deadline to submit proposed law and rule changes to the Governor's Office is August 17, 2018 for the 2019 Legislative Session.

Ms. Cory said that an interim committee has been established to study occupational licensing. The Occupational Licensing and Certification Law Interim Committee will meet over the summer.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of \$162,027.58 as of 5/31/2018.

OPEN MEETING LAW

Ms. Callahan reviewed the revised open meeting law with the Board.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel reviewed the voluntary surrender process and collections process with the Board.

OLD BUSINESS

The Board reviewed the To Do List and agreed to remove the items that are completed, including the Executive Order.

EXECUTIVE ORDER

The Board reviewed the draft of the Executive Order response. The final version has been submitted to the Lt. Governor's Office. Ms. Strand made a motion to authorize the Bureau to publish the Executive Order Report on the Board's website. It was seconded by Ms. Lindley-Kessler. Motion carried.

SUBCOMMITTEE REPORTS

SUPERVISION / TELEHEALTH, CONTINUING EDUCATION RULES/ COMPETENCY ASSESSMENTS, LIMITED PERMIT, and APPLICANTS WITH CRIMINAL HISTORY

The Board agreed to discuss all subcommittee reports during New Business in the Public Comment section.

NEW BUSINESS

PUBLIC COMMENT

The Board agreed to appoint Ms. Strand as Acting Chair for this portion of the meeting for ease in interacting with the public since Ms. Guidry joined the meeting via phone.

PROPOSED LAWS/RULES

SUPERVISION / TELEHEALTH

Ms. Lindley-Kessler reviewed the previous discussion regarding the proposed rules for supervision and telehealth with those in attendance. Mr. Henderson and Ms. Thompson offered suggestions for revisions to the proposed supervision and telehealth rules. Mr. Henderson also suggested that the Board review the document published by the American Occupational Therapy Association (AOTA) regarding supervision guidelines. He asked that the proposed language in the rules be consistent when addressing "occupational therapist(s)" or "occupational therapist assistant(s)" versus "occupational therapy personnel" and "licensee(s)."

CONTINUING EDUCATION RULES/COMPETENCY ASSESSMENTS

Ms. Strand discussed a proposed law change regarding the requirement of biennial completion of continuing education in Idaho Code § 54-3711. Ms. Cory said that if the law passed in the 2019 Legislature, the Board could write a temporary rule which would go into effect at the same time as the law on July 1, 2019.

Ms. Callahan distributed the proposed law to the Board. The Board reviewed the proposed law, made suggestions for revisions, and agreed to have Ms. Callahan send the proposed language to interested parties. Ms. Guidry made a motion to authorize the Bureau to submit the revised proposed language for Idaho Code § 54-3711 to the Governor's Office as a legislative idea for the 2019 Legislature, and to review the final draft prior to the August 2018 deadline. It was seconded by Ms. Bathina. Motion carried.

Ms. Guidry suggested that the subcommittee meet with interested parties (Mr. Henderson, Idaho Occupational Therapy Association; Ms. Thompson, Idaho Occupational Therapy Association; Mr. Gee, Idaho State University; Mr. Conway, National Board for Certification in Occupational Therapy (NBCOT); and Mr. Willmarth, American Occupational Therapy Association (AOTA) on July 17, 2018 at 8:30 AM MDT to discuss further revisions to the proposed supervision and telehealth rules. She said the subcommittee could report back to the Board at the August 6, 2018 meeting.

The Board discussed the NBCOT Navigator website and agreed that all Board members should make an assessment of the tools available on the site.

APPLICANTS WITH CRIMINAL HISTORY

Ms. Callahan reviewed the proposed rules regarding applicants who have a criminal background with the Board. Mr. Hales specifically addressed the background information regarding the case law for criminal history and professional licensure. Ms. Guidry made a motion to authorize the Bureau to submit the proposed rules to the Governor's Office as a legislative idea for the 2019 Legislature. It was seconded by Ms. Bathina. Motion carried. Ms. Cory suggested the Board re-review the proposed rule at its August 6, 2018 meeting.

LIMITED PERMIT

The Board discussed the occupational therapist limited permit and providing extensions for good cause when a candidate fails the exam multiple times while holding a limited permit for the six-month time period. The Board agreed that Idaho Code § 54-3708(2) should be revised by deleting the language regarding "two (2) attempts". Ms. Bathina made a motion to authorize Ms. Callahan to draft the proposed language for Idaho Code § 54-3708 and submit it to the Governor's Office as a legislative idea for the 2019 Legislature. It was seconded by Ms. Lindley-Kessler. Motion carried.

The Board took a break. When the Board reconvened, Ms. Guidry resumed as Chair.

CORRESPONDENCE

NBCOT NAVIGATOR QUESTION

The Board reviewed the question regarding the use of the NBCOT Navigator simulations and mini quizzes as approved continuing education. The Board agreed that it is acceptable under Rule 025.05(g). Ms. Strand made a motion to have Ms. Toncray respond affirmatively to the occupational therapist who sent the email. It was seconded by Ms. Lindley-Kessler. Motion carried.

NBCOT INFORMATION

The Board reviewed the Spring 2018 newsletter from NBCOT, and no action was taken.

CE COURSES

The Board reviewed and approved the following CE courses:

OUTPATIENT BRAIN INJURY ANNUAL WORKSHOP
ST. LUKES HEALTH SYSTEM

END STAGE WORKERS COMPENSATION / WORKFIT AND “LIFE FIT”
ST. LUKES

NEW CONCEPTS AND TREATMENT OPTIONS IN HAND CARE
ST. LUKES

EXECUTIVE SESSION

Ms. Strand made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. Bathina. The vote was: Ms. Guidry, aye; Ms. Strand, aye; Ms. Bathina, aye; Ms. Krueger, aye; and Ms. Lindley-Kessler, aye. Motion carried.

Ms. Strand made a motion to come out of executive session. It was seconded by Ms. Lindley-Kessler. The vote was: Ms. Guidry, aye; Ms. Strand, aye; Ms. Bathina, aye; Ms. Krueger, aye; and Ms. Lindley-Kessler, aye. Motion carried.

APPLICATIONS

Ms. Strand made a motion to deny the request for the following for an extension of the occupational therapist limited permit as it is not based upon good cause:

OCTA-1844 Heber Hepworth

It was seconded by Ms. Lindley-Kessler. Motion carried.

NEXT MEETING was scheduled for August 6, 2018 at 8:30 AM MDT.

ADJOURNMENT

Ms. Bathina made a motion to adjourn the meeting at 11:18 AM MDT. It was seconded by Ms. Strand. Motion carried.

Kristin Guidry, Chair

Cherie Strand

Jori A Bathina

Brenda P Krueger

Farrell Lindley-Kessler

Tana Cory, Bureau Chief